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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

LYNWOOD INVESTMENTS CY LIMITED,

Plaintiff,

vs.

MAXIM KONOVALOV, *et al.*,

Defendants.

Case No. 5:20-CV-03778-LHK

**DECLARATION OF ALEXANDER D.  
PENCU IN OPPOSITION TO  
DEFENDANTS MAXIM KONOVALOV,  
IGOR SYSOEV, ANDREY ALEXEEV,  
MAXIM DOUNIN, GLEB SMIRNOFF,  
AND ANGUS ROBERTSON'S MOTION  
TO DISMISS (ECF 106)**

Date: February 18, 2021  
Time: 1:30 p.m.  
Courtroom 8, 4<sup>th</sup> Floor  
The Honorable Lucy H. Koh

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DECLARATION OF ALEXANDER D. PENCU IN OPPOSITION TO DEFENDANTS MAXIM KONOVALOV,  
IGOR SYSOEV, ANDREY ALEXEEV, MAXIM DOUNIN, GLEB SMIRNOFF, AND ANGUS ROBERTSON'S  
MOTION TO DISMISS (ECF 106), Case No. 5:20-CV-03778-LHK

1 I, Alexander D. Pencu, declare under penalty of perjury as follows:

2 1. I am a partner of Meister Seelig & Fein LLP, one of the attorneys for Plaintiff,  
3 Lynwood Investments CY Limited (“Plaintiff”), and I am admitted *Pro Hac Vice* in the above-  
4 captioned action. I am duly authorized and licensed to practice law before all courts in the State of  
5 New York and the State of Connecticut, the Southern and Eastern District Courts of New York, and  
6 the District of Connecticut. I submit this declaration in opposition to Defendants Maxim Konovalov  
7 (“Konovalov”), Igor Sysoev (“Sysoev”), Andrey Alexeev (“Alexeev”), Maxim Dounin (“Dounin”),  
8 Gleb Smirnoff (“Smirnoff”), and Angus Robertson’s (“Robertson”) Motion to Dismiss (ECF 106)  
9 (the “Motion”).

10 2. Attached hereto as **Exhibit 1** is a true and correct copy of Maxim Konovalov: Mind  
11 Litter blogposts, dated March 6, 2019 and October 14, 2020 and available at:  
12 <http://maxim.int.ru/b/archives/2019/03/06/untitled/index.html> (last visited December 10, 2020). A  
13 certified translation of the blogposts is included with this Exhibit.

14 3. Attached hereto as **Exhibit 2** is a true and correct copy of “A Letter to F5 Employees  
15 from CEO Francois Locoh-Donou Announcing NGINX Acquisition” dated March 11, 2019, and  
16 available at: [https://www.f5.com/company/blog/letter-to-f5-employees-from-ceo-francois-locoh-](https://www.f5.com/company/blog/letter-to-f5-employees-from-ceo-francois-locoh-donou-announcing-nginx-acquisition)  
17 [donou-announcing-nginx-acquisition](https://www.f5.com/company/blog/letter-to-f5-employees-from-ceo-francois-locoh-donou-announcing-nginx-acquisition) (last visited December 10, 2020).

18 4. Attached hereto as **Exhibit 3** is a true and correct copy of the September 18, 2013  
19 opinion in *VTB Capital plc v. Nutritek International Corp., et al.*, Claim No. BVIHC (COM) 103 of  
20 2011, decided by the Eastern Caribbean Supreme Court, Territory of the Virgin Islands.

21 I declare under penalty of perjury that the foregoing is true and correct.  
22 Executed this 10<sup>th</sup> day of December 2020 in Stamford, Connecticut.

23  
24 /s/ Alexander D. Pencu  
ALEXANDER D. PENCU

25 SJ - San Jose #4840-2735-5348 v1